

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IVAN L. MENDEZ,) 4:12CV3055
)
 Plaintiff,)
)
 v.) **MEMORANDUM
 AND ORDER**
)
 THE UNITED STATES OF)
 AMERICA, et al.,)
)
 Defendants.)

This matter is before the court on Plaintiff's Motion for Leave to Appeal In Forma Pauperis. (Filing No. [11](#).) On September 25, 2012, the court gave Plaintiff until October 22, 2012, to submit an affidavit to show excusable neglect or good cause for failing to file a timely notice of appeal. (Filing No. [12](#).) In doing so, the court warned Plaintiff that if he failed to show excusable neglect or good cause, his appeal would not be processed. (*Id.*) On October 12, 2012, Plaintiff filed an Affidavit in response. (Filing No. [13](#).)

Plaintiff's Affidavit is very difficult to decipher. Liberally construed, Plaintiff alleges his institution did not give him "legal forms, documents, copies, legal help, [or] books" because of a widespread conspiracy against, or plot to murder, "the old white American cowgirls and cowboys." (*Id.* at CM/ECF p. 1.) This argument is insufficient to constitute good cause or excusable neglect for Plaintiff's failure to file a timely notice of appeal. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal In Forma Pauperis (filing no. [11](#)) is denied.

2. Plaintiff is not entitled to proceed IFP on appeal and the appeal is dismissed. The Clerk of the court shall not process the appeal to the Eighth Circuit.

3. The Clerk of the court is directed to forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals.

DATED this 24th day of October, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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